

M-91-014



California Fair Political Practices Commission

December 21, 1990

TO: Advice File
FROM: Kevin S. Braaten-Moen

[Handwritten signature]

SUBJECT: When a gift of gubernatorial inaugural ball tickets is received.

QUESTIONS

If tickets to the gubernatorial inaugural ball are given to a legislator at no cost to the legislator, when is the "gift" made?

Does it matter if the tickets are left at the will call window for the legislator to pick up at the event?

ANSWERS

When the tickets are received by the legislator is the moment at which the gift is made. Thus, if the legislator receives the tickets, in person or by mail, before January 1, 1991, the legislator will not run afoul of the new gift limit provisions.

If the legislator is told that tickets to the event may be picked up at the will call window the day of the event, the legislator receives the gift when s/he picks up the tickets. Since the event will take place in 1991, the legislator must take the new gift limit provisions of the Act into consideration before accepting the tickets.

If tickets are left at the will call window for the legislator and the legislator invites someone else to use the tickets instead, the legislator receives a gift from the giver and the attendee receives the gift from the legislator when the attendee picks up the tickets.

This advice concerns the gift limit and reporting provisions of the Act, not the conflict of interest provisions.

FAIR POLITICAL PRACTICES COMMISSION
Advice File Summary

PLEASE FILL IN ALL THE BLANKS!

Type: M Staff: Kevin S. Braaten-Moen
Year: 1991 Advisee: _____
No.: 019 Requestor: _____
Date: 12-21-90 Agency: _____

Subject: _____ C/I _____ C/I Code _____
_____ Campaign _____ Lobbying _____
_____ SEI _____ Revolving Door _____
_____ Section 84308 _____ Personal Use _____
_____ Mass Mail X Misc. _____

Computer Entry Summary: (No more than 5 typed lines for summary.)
Memo to File: a legislator who receives tickets to the gubernatorial inauguration ball before 1/1/91 will not violate the new gift limits. However, if the legislator picks the tickets up at the will call window after 1/1/91, the value must be < \$250.

Code Section and/or Regulation Nos.

89504

None
Bulletin Summary: (If you need more space please write on back.)
The new gift limit of \$250 from a single source within a calendar year to a legislator is not in effect for receipt of tickets to the gubernatorial inauguration ball if the legislator receives the tickets prior to January 1, 1991. However, if the legislator does not take possession of the tickets until after January 1, 1991, (for example, picking the tickets up at the will call window) the new gift limits are in effect and the gift may not exceed \$250.